

*Electronically Filed on
February 5, 2007*

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Attorneys for JV Direct Lenders:
Charles B. Anderson Trust; Rita P. Anderson
Trust; Baltes Company; Kehl Family
Members; Mojave Canyon, Inc. and
Fertitta Enterprises, Inc. with respect to non-plan
issues only.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

USA CAPITAL REALTY ADVISORS, LLC, Debtor.

USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC, Debtor.

USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

USA SECURITIES, LLC,
Debtor.

Affects:
☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

Chapter 11

**FOURTH AMENDED VERIFIED
STATEMENT OF JONES
VARGAS PURSUANT TO
BANKRUPTCY RULE 2019
(AFFECTS ALL DEBTORS)**

Hearing Date: n/a
Hearing Time: n/a

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1 I, Janet L. Chubb, Esq., declare, under penalty of perjury, and state, as follows:

2 1. I am an attorney licensed to practice law in the state of Nevada and am a
3 shareholder of the law firm of Jones Vargas. I have personal knowledge of the facts set forth
4 herein and if called as a witness could and would competently testify thereto.

5 2. Louis M. Bubala, Esq., an associate of Jones Vargas, and I are the attorneys
6 primarily responsible for representing the below listed Direct Lenders in connection the above-
7 captioned cases, as first deed of trust holders only, with regard to certain loans which were
8 originated and serviced by the Debtors.

9 3. Fertitta Enterprises, Inc., is a client of Jones Vargas. Jones Vargas was retained in
10 this matter at the instance of William C. Bullard. Jones Vargas represents Fertitta Enterprises,
11 Inc., in non-plan and non-appeal issues, only. See proof of retention of Jones Vargas attached as
12 Exhibit A.

13 4. The other clients, Charles Anderson Trust, Rita Anderson Trust, Kehl Family and
14 Mojave Canyon, Inc., contacted Jones Vargas based on its early filing of a motion for relief from
15 the automatic stay or based on word of mouth. See proof of retention of Jones Vargas attached as
16 Exhibits B, C, and D.

17 5. The representation of each client is based on direct loans that each of them made to
18 the borrowers in one or more of various real property development projects as listed in the chart
19 below, which are/were being serviced by USA Commercial Mortgage Company and which are
20 secured by deeds of trust.

21 6. The approximate dates of the loans for each client is listed in the chart below.

22 7. The total of the loans made by the below listed individuals and entities was, at the
23 time the petition was filed, approximately \$46,408,500.00. See specific amounts per project in the
24 chart below.

25 DATED this 5th day of February, 2007.

26 JONES VARGAS

27 By: //s// Janet L. Chubb
28 JANET L. CHUBB, ESQ.
LOUIS M. BUBALA, ESQ.
Attorneys for JV Direct Lenders

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NAME(S) OF CLIENTS	BORROWER	AMOUNT OF LOAN	APPROXIMATE DATE OF LOAN
Charles B. Anderson Trust 211 Copper Ridge Court Boulder City, NV 89005	5252 Orange, LLC	\$100,000	12/19/05
	60 th Street Venture	\$125,000	12/19/05
	6425 Gess Ltd.	\$300,000	4/4/05
	Amesbury/Hatters	\$100,000	7/20/04
	Bay Pompano Beach	\$200,000	5/2/05
	Beastar, LLC	\$100,000	5/2/05
	Copper Sage	\$100,000	1/28/05
	Del Valle Isleton	\$303,500	3/17/05
	Eagle Meadows	\$200,000	10/6/05
	Fiesta/Beaumont	\$100,000	9/8/04
	Glendale Tower	\$100,000	6/1/05
	Golden State	\$100,000	6/23/05
	Gramercy Court	\$200,000	6/19/04
	HFAH-Clear Lake	\$100,000	1/12/05
	HFAH- North Yonkers/One Point St	\$100,000	2/11/05
	Huntsville	\$200,000	3/29/05
	Margarita Annex	\$100,000	7/23/04
	Marlton Square ¹	\$100,000	6/1/05
	Oak Shores II	\$160,000	5/9/05
	Opaque/Mt. Edge	\$225,000	? ²
	Placer Vineyards	\$200,000	12/6/04
	Placer Vineyards 2 nd	\$100,000	12/6/04
	Riviera (HFA)	\$150,000	5/2/05
	Roam Development	\$100,000	2/18/05
	Standard Property	\$100,000	1/26/06
	Tapia Ranch/Castaic Partners	\$100,000	9/8/04
	Wasco Investments	\$120,000	11/22/04
	\$3,883,500.00		
Rita P. Anderson Trust 211 Copper Ridge Court Boulder City, NV 89005	5252 Orange, LLC	\$100,000	12/19/05
	60 th Street Venture	\$100,000	12/19/05
	6425 Gess	\$100,000	4/4/05
	Eagle Meadows	\$150,000	10/6/05
	Fiesta/Beaumont	\$100,000	9/8/04
	HFAH-Clear Lake	\$100,000	1/12/05
	HFAH-North Yonkers/One Point St	\$100,000	2/11/05
	Marlton Square ¹	\$100,000	6/1/05
	Placer Vineyards	\$100,000	12/6/04
	Roam Development	\$100,000	2/18/05
	Tapia Ranch/Castaic Partners	\$100,000	9/8/04
	Wasco Investments	\$120,000	11/22/04
	\$1,270,000.00		

¹ Marlton Square & MS Acquisition are the same thing. Marlton Square 2nd is also affiliated with MS Acquisition
² None of the loans with a ? for the loan date was made for anything other than investment purposes.

1		3685 San Fernando		
2	Baltes Company	Binford Medical	\$150,000	7/29/05
3	211 Copper Ridge Court	Del Valle - Livingston	\$100,000	8/18/05
4	Boulder City, NV 89005	J. Jireh's Corporation	\$100,000	8/8/05
		Marlton Square 2 nd 1	\$200,000	8/24/05
		\$650,000.00	\$100,000	10/31/05
5	Fertitta Enterprises, Inc. ³	Brookmere, LLC	\$1,000,000	12/17/04
6	William J. Bullard, CFO	Colt Gateway	\$4,000,000	12/22/02-7/30/03
7	2960 W.Sahara Ave. # 200	Marlton Square ¹	\$3,000,000	12/6/05
8	Las Vegas, NV 89102	Tapia Ranch/ Castaic Partners	\$5,000,000	10/8/04
		\$13,000,000.00		
9		<u>Robert & Ruth Kehl:</u>		
10		3685 San Fernando Road	\$500,000	8/30/05
11		Anchor B	\$250,000	?
12		Ashby	\$1,000,000	?
13		BarUSA	\$850,000	11/14/03
14		Brookmere	\$1,000,000	12/15/04
15		Bundy Canyon	\$1,500,000	?
16		Copper Sage	\$1,000,000	1/28/05
17		Del Valle - Livingston	\$600,000	8/10/05
18		Eagle Meadows/Foxhill 185	\$1,000,000	10/10/05
19		Fiesta Oak Valley/Oak Mesa	\$500,000	6/16/04
20		Fiesta USA/Stoneridge	\$500,000	?
21		Foxhill 216, etc.	\$400,000	1/27/06
22		Freeway 101	\$300,000	?
23		Gateway Stone	\$500,000	?
24		Glendale Tower Ptnrs	\$400,000	?
25		Gramercy Court	\$165,000	6/15/04
26		HFAH - Clear Lake	\$1,000,000	1/14/05
27		Hunstville	\$500,000	1/15/05
28		La Hacienda	\$250,000	3/??/05
		Mountain Home Business	\$520,000	1/26/06
		Park-Pegasus MH Venture		
		Ocean Atlantic	\$400,000	1/23/06
		Palm Harbor One	\$500,000	11/29/05
		Placer Vineyard	\$2,000,000	1/10/04
		Shamrock Tower	\$500,000	?
		Tapia Ranch/Castaic	\$500,000	12/8/04
		Ten-Ninety	\$600,000	?
		\$17,235,000.00		

³ Our representation of Fertitta Enterprises is only for non-plan and non-appeal issues.

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1				
2	Kehl Family	<u>Kevin Kehl</u>	\$200,000	11/14/03
3	c/o Mr. Ken Bonnet	BarUSA	\$150,000	6/21/05
4	3184 Highway 22	Bay Pompano Beach	\$150,000	?
5	P. O. Box 720	I-40 Gateway West	\$150,000	1/10/04
	Riverside, IA 52327	Placer Vineyards	\$150,000	3/1/05
		Roam Development	\$200,000	12/8/04
		Tapia Ranch/Castaic		
		\$1,000,000.00		
6	Kehl Family			
7	c/o Mr. Ken Bonnet	<u>Kevin Kehl For Susan L. Kehl</u>	\$10,000	6/21/05
8	3184 Highway 22	Bay Pompano Beach		
9	P. O. Box 720			
10	Riverside, IA 52327			
11	Kehl Family	<u>Kevin Kehl for Andrew R. Kehl</u>	\$10,000	6/21/05
12	c/o Mr. Ken Bonnet	Bay Pompano Beach		
13	3184 Highway 22			
14	P. O. Box 720			
15	Riverside, IA 52327			
16	Kehl Family	<u>Daniel J. Kehl</u>	\$300,000	?
17	c/o Mr. Ken Bonnet	Ashby	\$500,000	1/15/05
18	3184 Highway 22	Huntsville	\$200,000	12/8/04
19	P. O. Box 720	Tapia Ranch/Castaic	\$200,000	?
20	Riverside, IA 52327	Ten-Ninety		
21		\$1,200,000.00		
22	Kehl Family	<u>Robert A. Kehl and</u>		
23	c/o Mr. Ken Bonnet	<u>Robert A. and Tina M. Kehl</u>		
24	3184 Highway 22	BarUSA	\$300,000	11/14/03
25	P. O. Box 720	Bay Pompano Beach	\$300,000	6/21/05
26	Riverside, IA 52327	Fox Hills	\$500,000	11/27/06
		Ocean Atlantic	\$500,000	1/23/06
		Ten-Ninety	\$400,000	?
		\$2,000,000.00		
27	Kehl Family	<u>Krystina L. Kehl</u>	\$500,000	1/10/04
28	c/o Mr. Ken Bonnet	Placer Vineyards		
	3184 Highway 22			
	P. O. Box 720			
	Riverside, IA 52327			
	Kehl Family	<u>Kevin McKee</u>	\$100,000	5/27/06
	c/o Mr. Ken Bonnet	Fox Hills 216	\$100,000	?
	3184 Highway 22	Gateway Stone	\$300,000	10/10/05
	P. O. Box 720	Eagle Meadows/Foxhill 185		
	Riverside, IA 52327	\$500,000.00		

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1	Kehl Family	<u>Kehl Development Corp.</u>		
2	c/o Mr. Ken Bonnet	Eagle Meadows/Foxhill 185	\$400,000	10/10/05
3	3184 Highway 22	Placer Vineyards	\$500,000	1/10/04
4	P. O. Box 720	Opaque/Mt. Edge	\$1,000,000	?
	Riverside, IA 52327	\$1,900,000.00		
5	Kehl Family	<u>Patrick J. Anglin</u>		
6	c/o Mr. Ken Bonnet	Bay Pompano Beach	\$50,000	6/21/05
7	3184 Highway 22	Palm Harbor One	\$100,000	11/29/05
	P. O. Box 720	Tapia Ranch/Castaic	\$50,000	12/8/04
	Riverside, IA 52327	\$200,000.00		
8		<u>Christina M. Kehl</u>		
9	Kehl Family	BarUSA	\$200,000	11/14/03
10	c/o Mr. Ken Bonnet	Bay Pompano Beach	\$150,000	62105
11	3184 Highway 22	Fiesta/Stoneridge	\$150,000	?
12	P. O. Box 720	Freeway 101	\$125,000	?
13	Riverside, IA 52327	I-40 Gateway West	\$100,000	?
		Palm Harbor One	\$50,000	11/29/05
		Placer Vineyards	\$200,000	1/10/04
		Tapia Ranch/Castaic	\$50,000	12/8/04
		\$1,025,000.00		
14	Kehl Family	<u>Judy A. Bonnet</u>		
15	c/o Mr. Ken Bonnet	BarUSA	\$50,000	11/14/03
16	3184 Highway 22	Fiesta Oak Valley/Oak Mesa	\$100,000	6/16/04
	P. O. Box 720			
	Riverside, IA 52327	\$150,000.00		
17	Kehl Family	<u>Cynthia Winter</u>		
18	c/o Mr. Ken Bonnet	BarUSA	\$200,000	111403
19	3184 Highway 22	Freeway 101	\$200,000	?
20	P. O. Box 720	I-40 Gateway West	\$200,000	?
	Riverside, IA 52327	Placer Vineyards	\$100,000	1/10/04
		Ten-Ninety	\$200,000	?
		\$900,000.00		
21	Kehl Family	<u>Warren Hoffman Family</u>		
22	c/o Mr. Ken Bonnet	<u>Investments</u>		
23	3184 Highway 22	Tapia Ranch/Castaic	\$50,000	1/10/04
24	P. O. Box 720			
	Riverside, IA 52327			
25	Mojave Canyon Inc.	HFAH Clear Lake	\$150,000	4/6/05
26	Attn: J.B. Partain, President	Midvale Marketplace, LLC	\$150,000	6/30/05
27	1400 Colorado Street #C	Roam Development Group, LP	\$100,000	3/1/05
	Boulder City, NV 89005	Standard Property	\$125,000	2/10/06
		Development		
28		Gramercy Court	\$150,000	8/10/05
		\$675,000.00		

CERTIFICATE OF SERVICE

1. We filed and served the following document(s) on February 5, 2007:

**FOURTH AMENDED VERIFIED STATEMENT OF JONES VARGAS
PURSUANT TO BANKRUPTCY RULE 2019**

2. Upon filing, I served the above-named document(s) by the following means to the persons as listed below:

■ a. **ECF System** (attach the "Notice of Electronic Filing" or list all persons and addresses):

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9 b. **United States mail, postage fully prepaid** (list persons and addresses):

9 c. **Personal Service** (list persons and addresses):
 I personally delivered the document(s) to the persons at these addresses:

9 For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

9 For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

■ d. **By direct email (as opposed to through the ECF System)** (list persons and email addresses):

Frank Merola, Eve Karasik & Christine M. Pajak
 fmerola@stutman.com; ekarasik@stutman.com; cpajak@stutman.com

JONES VARGAS
100 W. Liberty Street, 12th Floor
P.O. Box 281
Reno, Nevada 89504-0281
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Marc A. Levinson & Lynn Trinko Ernce
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Andrew Welcher c/o William E. Winfield,
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Annette W. Jarvis, Steven C. Strong, & Douglas M. Monson
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Rob Charles
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August B. Landis
Augie.landis@usdoj.gov

9 e. By fax transmission (list persons and fax numbers):

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

9 f. By messenger:

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service. (A declaration by the messenger must be attached to this Certificate of Service).

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 5th day of February, 2007.

	//s//
Name	Signature